

BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE FOR
THE STATE OF TENNESSEE

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IN THE MATTER OF:

ANTHONY YOUNG
(Toughman/Badman contestant)
1901 West Broadway
Maryville, Tennessee 37801

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DOCKET NO. 12.23-054669A

SECRETARY OF STATE

NOTICE OF HEARING AND CHARGES

AUTHORITY

Authority and jurisdiction are conferred upon the Commissioner of Commerce and Insurance by Tenn. Code Ann §§ 68-115-402 and 56-1-308(a), and by Rule 0780-5-3-.30 of the program's toughman rules to assess civil penalties against any person who is found guilty by the Program of violating Tenn. Code Ann. Rule 0780-5-3-.26 (Additional Requirements).

Pursuant to the above-cited authority and in compliance with Tenn. Code Ann. §§ 68-115-402, 56-1-308, and 4-5-307, the Respondent, Anthony Young, is hereby charged with the following acts and conduct which constitute grounds for the assessment of civil penalties by the commissioner:

ALLEGATIONS OF FACT

1. At all times pertinent hereto, Respondent, Anthony Young, was authorized by the Department of Commerce and Insurance to participate in the toughman/badman match that took place on September 20 and 21, 2003 in Maryville, Tennessee.
2. At the event, the Department provided a questionnaire to all prospective participants. That questionnaire asked each prospective contestant, among other

things, to list any amateur boxing experience, to list any specialized training, including, but not limited to, boxing, kickboxing, and martial arts, and whether the contestant has ever boxed professionally (including boxing, kickboxing, and any of the martial arts).

3. In response to the questionnaire's question about amateur boxing experience, Mr. Young entered "3 in last 5 years."
4. When questioned by Program Director Dan Kelly before the event, Respondent again confirmed that he had participated in only three (3) competitions in the past five (5) years. After being asked by Mr. Kelly to confirm that record, he told that representative that he had confirmed his record to be three (3) fights in five (5) years.
5. Respondent did participate in that toughman contest and claimed a one thousand dollar (\$1,000.00) prize for winning the tournament.
6. Subsequent to the event, the Department learned that Respondent had significant previous boxing experience, accumulating a record of no fewer than thirty (30) wins and fourteen (14) losses during his career. In addition, the Department has learned that it was likely that Respondent's record was as high as fifty (50) wins and twenty (20) losses over a period of ten (10) years.
7. Respondent's conduct reveals that he engaged in fraud and deceit to obtain a license that enabled Respondent to endanger the public by using his superior experience to prey on the inexperienced and untrained opposition and to corrupt the integrity of a licensed event by claiming the monetary prize to the detriment of all others involved.

ALLEGED CONCLUSIONS OF LAW

1. Respondent's acts and conduct as set out on the foregoing "Allegations of Fact" constitute violations of Tenn. Comp. R. & Regs., tit. Commerce and Insurance, ch. 0780-5-3-.26(1), which states in pertinent part:

Qualifications of Contestants. All contestants must be eighteen (18) years old or older. They cannot have any previous boxing experience and cannot have over five (5) sanctioned amateur wins in the last five (5) years...

Respondent's violation of Tenn. Comp. R. & Regs., tit. Commerce and Insurance, ch. 0780-5-3-.26(1) constitutes grounds for the imposition of discipline, including the imposition of civil penalties pursuant to Tenn. Code Ann. §§ 68-115-402 and 56-1-308 and Tenn. Comp. R. & Regs., tit. Commerce and Insurance, ch. 0780-5-3-.30.

NOTICE OF HEARING AND RIGHTS OF RESPONDENT

The respondent, **ANTHONY YOUNG**, is directed to appear at a hearing before the Commissioner of Commerce and Insurance on March 29, 2004 at 10:00 a.m. (central time) in room 640 of the Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville Tennessee.

At the aforementioned time, the Commissioner or an Administrative Judge will hear proof on whether to impose lawful disciplinary action, including the imposition of civil penalties.

Failure of Respondent to so appear may result in the entry of an order for default judgment.

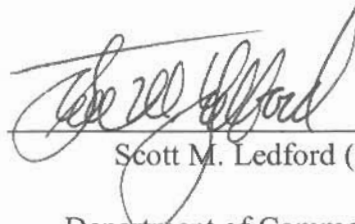
The hearing will be conducted in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-101 et seq.

Respondent has the right to be represented by counsel, to have witnesses subpoenaed and present at the hearing, and to present evidence and testimony in his own behalf.

A copy of this Notice of Hearing and Charges is being served upon Respondent via hand delivery, and the original is being filed with the Office of the Secretary of State, Administrative Procedures Division, 312 Eighth Avenue North, 8th Floor, William R. Snodgrass Tennessee Tower, Nashville, Tennessee 37243.



Robert Gowan, Assistant Commissioner
Department of Commerce and Insurance



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